THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14266 of 1993

Dated: 23-09-2005

Between:

K. Rayappa.

..... PETITIONER

AND

The Principal, A.P.Residential Junior College, Bhadrachalam, at Krishnasagar, Khammam District and others.

.....RESPONDENTS

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14266 of 1993

ORDER

The petitioner approached this Court through this writ petition seeking to

declare that the proceedings in Rc.No.A2-1/93-94 dated 21-9-1993 of the first respondent in terminating the services of the petitioner, and para 3 of the proceedings in Rc.No.1166/C2-1/93 dated 15-5-1993 of the second respondent as illegal and arbitrary and consequently, to direct the first respondent to continue the services of the petitioner as L.D.C. in the Andhra Pradesh Residential Junior College, Bhadrachalam..

The petitioner was appointed as L.D.C on 26-11-1986 against the sanctioned post of an Upper Division Clerk in the first respondent College. He possessed all the requisite qualifications for the post of U.D.C. He has put in 7 years of service as a Lower Division Clerk, but his services were not regularized. The other employees, who were appointed on adhoc /daily wage basis, are being continued with artificial breaks without regularization of their services. When some of the employees, including the petitioner, who were working under the second respondent Society approached this Court through W.P.No.1908 of 1990 and W.P.No.5125 of 1991 for regularization, this Court passed an order directing the 3rd respondent to decide the question of regularization of services of adhoc/daily wage employees, within a period of 4 months from the date of order. In pursuance of the said direction, the Government issued G.O.Ms.No.98, Education Department, dated 8-4-1993 wherein certain directions were given to respondents 1 and 2 to regularize the services of adhoc/daily wage employees. Thereafter, the petitioner made a representation to respondents 1 and 2 for regularization of his services in terms of the said G.O. But no action has been taken on his representation. Therefore, he filed W.P.No.5673 of 1993 in which notices were given to the respondents and served on the first respondent also. . During the pendency of the said writ petition, the first respondent issued the impugned order terminating the services of the petitioner. Aggrieved by the said order, the petitioner preferred this writ petition.

The impugned order dated 21-9-1993 reads as follows:

> "The services of Sri K. Rayappa, Adhoc LDC working against the post of UDC are hereby terminated on the A.N. of 21-9-1993 as per the instructions contained in the 8th condition of para 6th of the reference 1 cited, and in the 3rd para of the proceedings of the Secretary cited in the 2nd reference. He is instructed to hand over the charge of "C" Section

which he is holding to Sri Ch. Bala Rama Rao, Typist of the College with immediate effect".

The following are the conditions prescribed in G.O.Ms.No.98 dated 08-04-1993:

"1. The services of certain adhoc / daily wage employees

shall be regularized to the extent of vacancies available.

2. Only such adhoc/daily wage workers as are fully qualified for the posts currently occupied by them shall be considered for regularization. For this purpose, the qualifications prescribed by the Society in 1983 would be followed.

3. Since every institution is a unit of appointment in the Society, the appointing authority shall notify the posts held by adhoc/daily wage employees as vacancies to the concerned Employment Exchange duly indicating the roster points for the posts as per rule of reservation.

4. The condition that employees should be recruited through Employment Exchange shall be waived for regularization of the qualified employees against clear vacancies.

5. The age at the time of initial appointment of the said employees shall be reckoned as the qualifying age.

6. Rule of reservation of various categories of posts reserved for SC, ST, BCs at their roster points fined therein shall be strictly followed. Post adjusting in institutions located in scheduled areas shall be filled up only by persons belonging to STs.

7. Orders of regularization shall be issued by the concerned appointing authority. Regularization of the services of the daily wage/adhoc basis employees against regular vacancies shall only be prospective.

8. The services of all other candidates who do not fulfill the above conditions shall be liable for termination.

9. The regularization process in terms of this scheme shall be completed by 30-6-1993.

10. The qualified candidates to be regularized against clear vacancies shall be subjected to a minimum proficiency test held by a committee consisting of Joint Collector as Chairman, concerned District Educational Officer as Member and the Principal of Residential School/College as Member Convenor. In respect of ministerial staff viz., Typists, Record Assistants and Junior Assistants etc., a subject matter expert shall also be associated. The function of this committee is to ensure that the employees have minimum proficiency to perform the job.

The learned counsel for the petitioner submitted that subsequently, the Government of Andhra Pradesh issued G.O.Ms.No.212 dated 22-4-1994 for regularization of the services of adhoc/daily wage employees and as the petitioner fulfilled all the conditions prescribed under the said G.O. his services should be regularized.

After going through the material available on record, I do not find any illegality or irregularity in the order passed by the first respondent and there are no grounds to interfere with the said order through this writ petition. The petitioner did not place any material to show whether he made any application to respondents 1 and 2 to consider his case under G.O.Ms.No.212. If he is entitled to any benefit under G.O.Ms.No.212, it is for him to approach respondents 1 and 2. In the event of making any such representation, it is for the respondents to pass appropriate orders according to the Rules in force without being influenced by the observations of dismissal of this writ petition.

The Writ Petition is dismissed. No order as to costs.

_____

23-09-2005

Note:

CC by one week.

(Bo)

SJ